

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BRADLEY THOMAS, &)	
LAURIE THOMAS)	
)	
Plaintiff,)	
)	
v.)	CV1.06CV 165.DRB
)	
NCB MANAGEMENT SERVICES,)	
INC., & JOHN HARDING,)	
INDIVIDUALLY)	
)	
Defendants.)	
)	

NOTICE OF CONSTITUTIONAL CHALLENGE

COMES NOW, NCB MANAGEMENT SERVICES, INC., one of the defendants' in the above-styled cause, and, in compliance with the requirements of §6-6-227 of the Code of Alabama (1975), hereby notifies the Attorney General of the State of Alabama of its constitutional challenge to the award of punitive damages under the Alabama substantive law and procedures, including the 1987 tort reform provisions governing the award and review of punitive damages in civil actions in the State of Alabama. As grounds therefor, this Defendant shows as follows:

a. This Defendant has filed an answer challenging the award of punitive damages under the law and statutes of this State. Attached hereto and incorporated herein by reference and identified as Exhibit A is a copy of Plaintiff's compliant, and attached hereto and incorporated herein by reference and

identified as Exhibit B is a copy of this Defendant's answer to the complaint.

b. This Defendant avers that the Alabama's 1987 tort reform statutes governing punitive damages, including §6-11-20 through §6-11-27, do not correct and remedy the constitutional deficiencies asserted in this Defendant's answer and this notice should be construed as a constitutional challenge to those statutory provision on all of the grounds stated in the attached Exhibits A and B.

Respectfully submitted,

/s/ Jeffrey L. Luther
JEFFREY L. LUTHER-LUTHJ0532
MICHAEL P. BARRATT-BARRM3920
Attorneys for said Defendant

OF COUNSEL:

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CERTIFICATE OF SERVICE

I hereby certify that I have this 22nd day of March, 2006, served a copy of the foregoing upon counsel to all parties to this proceeding by placing the same in the United States mail, properly addressed and first-class postage prepaid.

Troy King
Attorney General
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/s/ Jeffrey L. Luther
OF COUNSEL